

**REMARKS**

This is in response to the non-final Official Action currently outstanding with regard to the present application.

Claims 1-7 were pending in this application at the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Applicant has amended Claims 1, 2, 6 and 7. Claims 4 and 5 have been cancelled, without prejudice. No claims have been either added or withdrawn. Accordingly, upon the entry of the foregoing Amendment, Claims 1-3, 6 and 7 as amended hereinabove will constitute the Claims under active prosecution in this application.

The claims of this application are reproduced above including appropriate status identifiers and showing the Amendments made as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Failed to acknowledge Applicant's claim for foreign priority under 35 USC §119 (a)-(d) or (f), and failed to indicate that the required copies of the priority documents have been received by the United States Patent and Trademark Office – **Acknowledgement of Applicants' claim for foreign priority and confirmation of the receipt of the required copies of the priority documents by the United States Patent and Trademark Office in response to this communication are respectfully requested.**
2. Failed to indicate whether or not the drawings filed as part of this application on 23 July 2003 have been accepted or not – **An indication from the Examiner concerning whether or not the drawings of this application currently on file with the United States Patent and Trademark Office have been accepted is respectfully requested in response to this communication.**

3. Acknowledged his consideration of the Information Disclosure Statements filed in this application on 23 July 2003 and 25 July 2006 by providing the Applicant with a copy of the Forms PTO-1449 and PTO/SB/08a/b that respectively accompanied those Statements duly signed, dated and initialed by the Examiner in confirmation of his consideration of the art listed therein;
4. Provided Applicant with a Notice of References Cited;
5. Rejected Claim 7 under 35 USC 112 on the basis that that claim fails to particularly point out and distinctly claim the subject matter that the Applicant regards as his invention in that "the material for portion coming into contact with" lacks appropriate antecedent basis in the claims.
6. Rejected Claims 1-4 and 7 under 35 USC §103(a) as being unpatentable over, Sumio (JP 07167756, cited by us) in view of Glass (US 4,465,554).
7. Indicated that Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but that those claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

No further comment regarding items 1-4 above is deemed to be required in these Remarks.

As to item 5 above, Applicant by the foregoing Amendment has rewritten Claim 7 in a manner that is believed to overcome that Examiner's assertion that the term "the material portion coming in contact with" lacks appropriate antecedent basis in that claim. In particular, Applicant has deleted the term material from the early portion of the claim in favor of specifying that all portions of the dilutor that come into contact with the stock solution, the diluent liquid and/or the diluent solution are formed of a material consisting of resin containing a low amount of fluorine. As so phrased, Applicant respectfully submits that all of the terminology utilized in Claim 7 now has appropriate antecedent basis in the claims.

Accordingly, withdrawal of the currently outstanding rejection of Claim 7 under 35 USC 112 in response to this communication is respectfully requested.

With respect to items 6 and 7 above, Applicant by the foregoing Amendment has elected to incorporate the limitations of Claims 4 and 5 into Claim 1, to cancel Claims 4 and 5 without prejudice, and to change the dependency of Claim 6 accordingly. Since the incorporation of the limitations of Claims 4 and 5 into claim 1 is effectively the same as rewriting Claim 5 in independent form including all of the limitations of its base claim and any intervening claims, Applicant respectfully submits that Claims 1-3 are now in condition for allowance. Further, since changing the dependency of Claim 6 from previous Claim 5 to amended Claim 1 effectively is the same as rewriting Claim 6 in independent form including all of the limitations of its base claim and any intervening claims, Applicant respectfully submits that Claims 6 and 7 are now in condition for allowance.

Further, Applicant respectfully submits that by virtue of the present Amendment the rejection summarized in item 6 above is now moot.

The foregoing Amendment to Claim 2 is made simply for the purpose of clarifying the phraseology of the claim and is respectfully submitted to be appropriate for that reason.

For each and all of the foregoing reasons and in light of the foregoing Amendment, therefore, Applicant respectfully submits that the Examiner's currently outstanding rejections have been overcome by this submission. Accordingly, a decision withdrawing the currently outstanding rejections and objections, and allowing this application as hereinabove amended in response to this communication is respectfully requested.

Applicant also believes that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. 04-1105, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: December 1, 2006

  
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SIGNATURE OF PRACTITIONER

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